

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

v.

17-cr-92 (JLS) (MJR)

NATHANIEL GATES, JR.,

Defendant.

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**DECISION AND ORDER**

Defendant Nathaniel Gates, Jr., is charged in a ten-count superseding indictment with criminal offenses related to possession or distribution of cocaine, cocaine base, heroin, fentanyl, U-47700, and furanyl fentanyl, and using and maintaining a drug-involved premises. Dkt. 115. On May 11, 2017, United States Magistrate Judge Michael J. Roemer was designated to hear and determine, and report and recommend on, all pre-trial proceedings under 28 U.S.C. § 636(b)(1)(A) and (B). Dkt. 6. This case, originally assigned to United States District Judge Lawrence J. Vilardo, was reassigned to this Court on July 27, 2020. Dkt. 162.

On February 21, 2018, Gates moved to suppress evidence derived from the execution of a search warrant on February 7, 2017, at 90 Brigham Road, Apartment 17, Fredonia, New York. Dkt. 34. That same day, Gates also moved to suppress evidence obtained from searches of cellular phones. Dkt. 35. The government responded in opposition to Gates's motions on March 7, 2018. Dkt. 39. Gates replied on April 4, 2018. Dkt. 45.

On February 5, 2020, Judge Roemer issued a Report and Recommendation (“R&R”), recommending that this Court deny Gates’s motions to suppress. Dkt. 117. Gates objected on March 4, 2020, arguing that the search warrant, when “[e]xcised” of “[r]ecklessly [f]alse [s]tatements,” lacked probable cause. Dkt. 129, at 3. The government responded on March 25, 2020. Dkt. 134. Gates replied on May 4, 2020. Dkt. 144.


A district court may accept, reject, or modify the findings or recommendations of a magistrate judge. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3). A district court must conduct a *de novo* review of those portions of a magistrate judge’s recommendation to which a party objects. 28 U.S.C. § 636(b)(1); Fed. R. Crim. P. 59(b)(3).

This Court has carefully reviewed the thorough R&R, the record in this case, the objection and response, and the materials submitted by the parties. Based on that *de novo* review, the Court accepts and adopts Judge Roemer’s recommendation to deny Gates’s suppression motions.

For the reasons stated above and in the Report and Recommendation, the Court DENIES Gates’s suppression motions. Dkts. 34, 35.

SO ORDERED.

Dated: August 13, 2020  
Buffalo, New York

  
JOHN L. SINATRA, JR.  
UNITED STATES DISTRICT JUDGE